

Claims 1, 3-8, and 11-33 are now pending in the application. The Examiner is respectfully requested to reconsider and withdraw the rejection(s) in view of the amendments and remarks contained herein.

**REJECTION UNDER 35 U.S.C. § 102**

Claims 1-7, 9, 10, 12, 13, 19-30 and 32-35 stand rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,775,268 (Wang). This rejection is respectfully traversed.

Wang is directed generally to a method for mapping packet service categories to asymmetric digital subscriber lines (ADSL). ADSL is a communication technology that transmits an asymmetric data stream over a conventional twisted pair of telephones wires. The underlying physical layer is a copper wire. Thus, Wang fails to disclose a technique suitable for an optical network. Moreover, it is unclear how the Wang method could be extended to optical networks without interfering with remaining network traffic.

On the other hand, Applicant's invention provides a mechanism for introducing differentiated services to an optical network. More specifically, quality of service instructions are sent between network elements using a supervisory channel, where the supervisory channel is implemented using a wavelength different than range of wavelengths used to transmit the network traffic. This technique is particularly tailored to networks having an optical physical layer. Pending claims have been amended to further define this distinction from the relied upon reference. Therefore, it is respectfully submitted that the pending claims define patentable subject matter over

Wang. Accordingly, Applicant respectfully requests reconsideration and withdrawal of this rejection.

**ALLOWABLE SUBJECT MATTER**

The Examiner states that claims 14-16 would be allowable if rewritten in independent form. Applicant respectfully acknowledges the Examiner's indication of the allowable claims. However, Applicant elects to defer rewriting the objected to claims until the Examiner has considered Applicant's arguments set forth above.

### CONCLUSION

It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office Action and the present application is in condition for allowance.

Thus, prompt and favorable consideration of this amendment is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (248) 641-1600.

Respectfully submitted,

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By: 

Timothy D. MacIntyre  
Reg. No. 42824

HARNESS, DICKEY & PIERCE, P.L.C.  
P.O. Box 828  
Bloomfield Hills, Michigan 48303  
(248) 641-1600

TDM/drl